

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN STEMMELIN,  
Plaintiff,

No. C 20-04168 WHA

v.

MATTERPORT, INC., et al.,  
Defendants.

**ORDER RE BRIEFING SCHEDULE  
FOR CURRENTLY PENDING  
MOTIONS**

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Plaintiff recently filed two substantive motions: (1) a motion to modify the case schedule and for leave to file a motion for partial summary judgment on his SAMP Act claim; and (2) a second class certification motion (this time pursuant to Rule 23(b)(2)) (Dkt. Nos. 170, 171). (Plaintiff's original class certification motion was denied.) Defendant, in kind, has filed a motion to strike the new class certification motion. Defendant now seeks an order changing the deadlines for the new class certification motion so that it is briefed and heard after a ruling on the motion to strike. Plaintiff opposes this request.

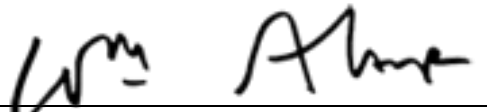
Efficiency favors hearing the motion to strike first since, if it is successful, it renders the class certification motion moot and conserves the substantial judicial resources needed to render a decision on that type of motion. This decision is also justified given that plaintiff has already received a substantive ruling in this action on class certification.

This order sets the briefing schedule as follows:

- The deadline for the opposition and reply briefing for the motion to strike shall remain **SEPTEMBER 16** and **SEPTEMBER 23**, respectively.
- The hearing on the motion to strike shall be advanced to **SEPTEMBER 29 AT 8:00 A.M.** in Courtroom 12, 19<sup>th</sup> Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. Given this revision, by **SEPTEMBER 16 AT NOON**, the parties shall notify the Court whether they wish to set this hearing to be telephonic.
- Counting from today, the briefing schedule for the motion for class certification shall be slipped day for day until a decision is rendered on the motion to strike. If the new deadline for any briefing would fall on a holiday or weekend, then the new deadline will be the first court day preceding the original deadline on the weekend or holiday.

**IT IS SO ORDERED.**

Dated: September 14, 2022.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE